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C O N F I D E N T I A L SECTION 01 OF 02 BUENOS AIRES 000049

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E.O. 12958: DECL: 01/16/2019
TAGS: [ELAB](#) [PHUM](#) [EAGR](#) [EIND](#) [ETRD](#) [AR](#)
SUBJECT: SERIOUS CONCERNS ABOUT DOL'S DRAFT LIST OF GOODS
PRODUCED BY CHILD LABOR OR FORCED LABOR IN ARGENTINA

REF: (A) STATE 1730 (B) BEIJING 0100 (C) 08 BUENOS
AIRES 0786

¶1. (C) Embassy Buenos Aires appreciates the opportunity to comment on the Department of Labor's draft list of goods from countries that DOL has reason to believe are produced by forced labor or child labor in violation of international standards. However, post requests that the Argentine goods listed (ref A) be withdrawn from DOL's draft list until post and the State Department have the opportunity to review the information DOL used to produce this list. Other than the incidence of forced labor in the garment industry reported ref C, post is not aware of corroborated information regarding the use of child or forced labor in the production of the Argentine goods identified in ref A. Further, we believe issuing an uncorroborated list would greatly undermine the credibility of the USG's efforts and harm our ability to work effectively to counter forced and child labor in Argentina.

¶2. (C) According to the procedural guidelines published in the Federal Register on December 27, 2007, DOL is to consider the extent of corroboration from various sources and whether the information indicates a "significant incidence" of child labor, forced labor, or forced child labor in the production of the good. Ref A, however, requests "information that clearly demonstrates that child labor or forced labor is not or is no longer used in the production" of certain goods in Argentina. We note that ref A is asking us to prove a negative, when the procedural guidelines in the Federal Register indicate that the burden of proof lies with those who claim that there is a significant incidence of forced and/or child labor in the production of a certain good.

¶3. (C) In ref C, post said "some companies in Argentina's apparel industry appear to use forced and child labor in their production chain" but that it was "difficult to ascertain the extent of the problem, as reliable statistics do not exist." In addition to the problems in the apparel industry, we noted that "There have been a number of isolated reports of forced and/or child labor in small scale cultivation of the following goods: sugar, cotton, tobacco, poultry, tomatoes, strawberries, flowers, sugar, grapes and lemons." With respect to these other goods, however, ref C noted that post "has limited data on the extent of the problem but believes it merits further research."

¶4. (C) The Department of Labor on December 29 informed the GOA that Argentina had been included as one of eight countries to be studied in a DOL-funded research project on the use of forced labor in the production of goods, and we were told that in Argentina's case the research will focus on the garment industry. In informing the GOA about Argentina's inclusion in this research project, we made the point that there is a dearth of information about the problem. Having

acknowledged our lack of data about the extent of the problem here, we will appear willfully reckless if we go ahead with publication of this list.

¶5. (C) Conceptually, DOL's draft list suffers from a vagueness that belies indifference or a lack of intellectual vigor and honesty. Given the seriousness of the charges, the lack of specificity suggests a bureaucratic indifference that could be taken for a lack of commitment to combat child labor and forced labor or as another case of unfounded U.S. "hectoring" of others. The broad-brush slandering of entire industries and countries will lead to the misuse and abuse of this list and actually be counter-productive to our efforts to build international and local coalitions to combat and eliminate forced and child labor. (In this connection, Country Team members, based on their experiences around the world, wonder if the list's credibility is undermined by the omissions of certain countries where they have seen child or forced labor. We may be off base here, but if others share this perception, it would draw into question the objectivity and thoroughness of the methodology used to prepare the list.)

¶6. (C) This list as currently drafted puts the USG in the position of making very serious allegations without providing evidence. If it is ultimately determined that there is a significant incidence of child labor in the production of these Argentine goods, post needs to be fully prepared to explain and justify the determinations. In particular, post requests DOL share the extent to which the information about the "significant incidence" of child labor/forced labor in the production of a good(s) is corroborated by other sources. We are enthusiastic about working to eliminate these

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practices, but we want to do so with good evidence and in ways that will empower and attract local allies to the effort.

¶7. (C) Post believes it is imperative that this list not be published until a credible and defensible basis for these allegations is documented. If the list is not well-documented, it runs the risk of being misused and abused. It also greatly increases the likelihood that the list will be rejected by host government officials, even those committed to eliminating forced and child labor. We doubt that such was the intention behind Congressional passage of the U.S. legislation. In Argentina, we have made great progress in building a coalition to fight TIP, including for forced labor, and have achieved increased GOA cooperation in this effort. Carelessness in the publication of this list will harm our anti-TIP efforts. We urge careful consideration of the evidence used to draft this list, because any allegation for which we cannot provide convincing evidence will set us back with the GOA and the Argentine public.

¶8. (C) We look forward to hearing views of other posts. If we are to be successful in further reducing forced and child labor, we must be credible in the allegations we make.

WAYNE